8615. Adulteration of tomato catsup. U. S. * * * v. 200 Cases of * * * Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9609. I. S. No. 6223-r. S. No. C-1032.)

On January 21, 1919, the United States attorney for the Middle District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 200 cases of tomato catsup, remaining in the original unbroken packages at Nashville, Tenn., alleging that the article had been shipped by W. H. Dyer, Evansville, Ind., on or about November 8, 1918, and transported from the State of Indiana into the State of Tennessee, and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part, "W. H. Dyer's Own Pack * * * Tomato Catsup."

Adulteration of the article was alleged in the libel for the reason that it consisted in part of a filthy, decomposed vegetable substance.

On May 5, 1920, W. H. Dyer, Evansville, Ind., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be delivered to said claimant upon payment of the costs of the proceedings and the execution of a good and sufficient bond, in conformity with section 10 of the act.

E. D. BALL, *Acting Secretary of Agriculture.*

8616. Adulteration and misbranding of Velvo Molasses Feed, Supreme Horse Feed, Derby Horse and Mule Feed, Staf-O-Life Horse and Mule Feed, and Virginia Horse and Mule Feed. U. S. * * * v. Edmond F. Schellhaas, John E. Koerner, and George L. Wagner (John E. Koerner & Co.). Pleas of guilty. Fine, $35. (F. & D. No. 9781. I. S. Nos. 15021-p, 15477-p, 15483-p, 15484-p, 15485-p, 15486-p, 15487-p.)

On October 18, 1919, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Edmond F. Schellhaas, John E. Koerner, and George L. Wagner, a partnership, trading as John E. Koerner & Co., New Orleans, La., alleging shipment by said defendants, in violation of the Food and Drugs Act, on or about March 25, 1918, from the State of Louisiana into the State of Alabama, of a quantity of Velvo Molasses Feed, which was adulterated, and on or about March 22, 1918, of a quantity of Supreme Horse Feed, on or about March 22 and March 19, 1918, of quantities of Derby Horse and Mule Feed, on or about March 20, 1918, of a quantity of Staf-O-Life Horse and Mule Feed, on or about March 19, 1918, of a quantity of Velvo Molasses Feed, and on or about March 25, 1918, of a quantity of Virginia Horse and Mule Feed, from the State of Louisiana into the State of Mississippi, which were adulterated and misbranded.

Examinations and analyses of samples of the articles by the Bureau of Chemistry of this department showed that they contained considerable amounts of rice hulls and more fiber and less protein in certain shipments than indicated on the labeling thereon.

Adulteration of the article in each shipment was alleged in the information for the reason that rice hulls had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the Supreme Horse Feed was alleged in substance for the reason that the statement, to wit, "Crude Fibre 12%," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, was false and misleading in that it represented

that the article contained not more than 12 per cent of crude fiber, and for the further reason that it was labeled as aforesand so as to deceive and mislead the purchaser into the belief that the article contained not more than 12 per cent of crude fiber, whereas, in truth and in fact, it did contain more than 12 per cent of fiber, to wit, 17.97 per cent.

Misbranding of the Derby Horse and Mule Feed was alleged in substance for the reason that the statements, to wit, "Fibre 15.00%" or "Protein 8.00% * * * Fibre 15.00%" and "Horse and Mule Feed * * * Ingredients: Corn, Oats, Rice Bran, Rice Straw, Cottonseed Meal, Ground Grain Screenings, Alfalfa, Molasses and Salt," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not more than 15 per cent of fiber, and in the case of one of the shipments that it contained not less than 8 per cent of protein, and consisted exclusively of the ingredients named on the tags, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchasers into the belief that the article contained not more than 15 per cent of fiber, and that it contained not less than 8 per cent of protein, and that it consisted exclusively of the ingredients named on the tags, whereas the article contained more than 15 per cent of fiber, to wit, 19.95 per cent and 22.26 per cent, respectively, of fiber and the shipment of March 19 contained less than 8 per cent of protein, to wit, 6.50 per cent of protein, and it consisted of a mixture composed in part of rice hulls.

Misbranding of the Staf-O-Life Horse and Mule Feed was alleged in substance for the reason that the statements, to wit, "Fibre 15.00%" and "Horse & Mule Feed * * * Ingredients, corn, oats, rice bran, rice straw, cotton seed meal, ground grain screenings, alfalfa, molasses and salt," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not more than 15 per cent of fiber and consisted exclusively of the ingredients named on the tag, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not more than 15 per cent of fiber, and consisted exclusively of the ingredients named on the tag, whereas it contained more than 15 per cent of fiber, to wit, 16.06 per cent of fiber, and consisted of a mixture composed in part of rice hulls.

Misbranding of the Velvo Molasses Feed in the shipment of March 19, 1918, into Mississippi was alleged in substance for the reason that the statements, to wit, "Protein 8.00% * * * Fibre 15.00%" and "Molasses Feed * * * Ingredients, Corn, Oats, Rice Bran, Rice Straw, Cottonseed Meal, Ground Grain Screenings, Alfalfa, Molasses and Salt," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 8 per cent of protein and not more than 15 per cent of fiber and consisted exclusively of the ingredients named on the label, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 8 per cent of protein and not more than 15 per cent of fiber, and consisted exclusively of the ingredients named on the label, whereas the article contained less than 8 per cent of protein, to wit, 7.50 per cent of protein, and more than 15 per cent of fiber, to wit, 18.37 per cent of fiber, and consisted of a mixture composed in part of rice hulls.

Misbranding of the Virginia Horse and Mule Feed was alleged in substance for the reason that the statements, to wit, "Protein 9% * * * Fibre 12%"

and "Horse and Mule Feed * * * Ingredients: Corn, Corn Bran, Rice Bran, Ground Grain Screenings (From Corn, Oats, Barley), Alfalfa, Molasses, Flax Plant Product and Salt," borne on the tags attached to the sacks containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the article contained not less than 9 per cent of protein and not more than 12 per cent of fiber and consisted exclusively of the ingredients named on the tag, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it contained not less than 9 per cent of protein, not more than 12 per cent of fiber, and consisted exclusively of the ingredients named on the tag, whereas it contained less than 9 per cent of protein, to wit, 7.94 per cent of protein and more than 12 per cent of fiber, to wit, 17.05 per cent of fiber, and consisted of a mixture composed in part of rice hulls.

On September 29, 1920, the defendants entered pleas of guilty to the information, and the court imposed a fine of $35.

E. D. BALL, *Acting Secretary of Agriculture.*

8617. Adulteration and misbranding of sugar vinegar. U. S. * * * v. Ozark Cider & Vinegar Co., a Corporation. Plea of guilty. Fine, $20 and costs. (F. & D. No. 9863. I. S. Nos. 8152–p, 8934–p.)

On July 18, 1919, the United States attorney for the Western District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Ozark Cider & Vinegar Co., a corporation, Siloam Springs, Ark., alleging shipment by said defendant, in violation of the Food and Drugs Act, on or about October 20, 1917, from the State of Arkansas into the State of Oklahoma, and on or about October 30, 1917, from the State of Arkansas into the State of Kansas, of quantities of alleged sugar vinegar which was adulterated and misbranded.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that the product consisted largely of artificially colored distilled vinegar or dilute acetic acid.

Adulteration of the article was alleged in the information for the reason that either distilled vinegar or dilute acetic acid artificially colored had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality, and had been substituted in part for sugar vinegar, which the article purported to be. Adulteration was alleged for the further reason that the article was a product inferior to sugar vinegar and was artificially colored in a manner whereby its inferiority to sugar vinegar was concealed.

Misbranding was alleged for the reason that the statement "Sugar Vinegar," borne on the labels attached to the barrels containing the article, regarding the article and the ingredients and substances contained therein, was false and misleading in that it represented that said article was sugar vinegar, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was sugar vinegar, whereas, in truth and in fact, it was not sugar vinegar, but was a product composed in part of either distilled vinegar or dilute acetic acid artificially colored. Misbranding was alleged for the further reason that the article was a product composed in part of either distilled vinegar or dilute acetic acid artificially colored, and was an imitation of, and was offered for sale and sold under the distinctive name of another article, to wit, sugar vinegar.

On December 22, 1919, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of $20 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*